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## A COUNTRY REPORT

### Northern Ireland: At the Crossroads of Political and Administrative Reform

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*Northern Ireland is at a political and administrative cross-roads. Politically the Good Friday Agreement has paved the way for devolved government, and administratively the system of Direct Rule from Westminster will come to an end. This article examines the major problems of accountability linked to Direct Rule government and sets out a policy agenda for the new Northern Ireland Assembly.*

#### THE POLITICAL CONTEXT

Northern Ireland has celebrated what has been billed as two major political achievements—the Good Friday Agreement (10 April 1998) and its subsequent endorsement in a “peace referendum” (22 May 1998). Both have created a major momentum towards long-term stability and, after many false dawns, what is widely acknowledged as a breakthrough in a seemingly intractable problem. Neither achievement can be underestimated, both in terms of the detail of the agreement and its electoral support expressed in Northern Ireland and the Irish Republic (71% and 94% in referenda respectively). The momentous Good Friday Agreement was the culmination of a process initiated by then Secretary of State Peter Brooke in 1989 which repeatedly faltered but eventually led to multi-party talks (initially excluding Sinn Féin) in June 1996. Little progress was made, however, as delegates failed to agree on the issue of decommissioning of weapons by paramilitary organizations and the talks did not advance into issues of substance. Movement eventually became possible with the United Kingdom general elections.

In May 1997 a new Labour Government was elected to Westminster with a landslide victory, ending 18 years of Conservative rule. The size of the Labour mandate (44% vote and 419 seats) nullified the political influence exerted by the Ulster Unionists over the previous administration. In the same elections two prominent Sinn Féin leaders (Gerry Adams and Martin McGuinness) were elected to Parliament. Both subsequently

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refused to swear an oath of allegiance to the Queen and could not therefore take their seats in the Commons. At the same time Fianna Fail, a party seen to be more sympathetic to nationalists, was elected in the Republic of Ireland. The size of the Sinn Féin vote (16.1%) and its new position as the third largest political party in Northern Ireland [(behind the Ulster Unionists (UUP) and Social Democratic and Labour Party (SDLP)] demanded a new response from the government. Under the new Labour Secretary of State, Mo Mowlam, contacts between civil servants and Sinn Féin were immediately authorized, ostensibly to clarify the new government's position, but in fact to negotiate with the party.

These negotiations, according to Sinn Féin, resulted in their demands being met over four crucial issues: Sinn Féin would be admitted to all-party talks on the same basis as other parties; those talks would be completed within a fixed time frame; the government would not require decommissioning of weapons before or during negotiations; and confidence-building measures would be introduced, such as a relaxation in security and the prisons regime. The result was the IRA cease-fire, effective from 20 July 1997. The renewal of the cease-fire was met with the same degree of surprise as its collapse in February 1996. The terrorists had "held the line" for 17 months (first cease-fire announced 31 August 1994) before bombing London's Docklands, killing 2 people and injuring many others. Not surprisingly, this was greeted with considerable skepticism and hostility by the UUP and Democratic Unionist Party (DUP) respectively. The former described it as a tactical ploy aimed at getting Sinn Féin into talks but reserving the right, should negotiations not go their way, to re-engage in violence. DUP deputy leader Peter Robinson commented that "all we have is a restoration of a phoney cease-fire."

The talks resumed in June 1997, and returned to the issue of decommissioning. Proposals were put forward by the two governments to progress the issue *alongside* developments in the political talks. A consensus was finally reached on 24 September 1997, permitting three strands of the substantive negotiation to be launched (strand 1: within Northern Ireland; strand 2: within the island of Ireland; strand 3 between the British and Irish governments). In January 1998, the two governments put forward a set of "Propositions on Heads of Agreement," outlining a possible settlement. The Agreement was reached following intensive negotiations in the multi-party talks at Stormont on 10 April 1998 (Good Friday).

The so-called "peace referenda" exposed several issues which have, in the short term, the potential to wreck the Good Friday Agreement and, in the long term, undermine political stability. Those campaigning against the Agreement (DUP, UK Unionists and dissident Ulster Unionists) highlighted the early release of "political" prisoners without prior decommissioning of terrorist weapons and the entry of Sinn Féin into the Executive of the new Northern Ireland Assembly. The public parading of IRA and Loyalist prisoners in a triumphalist display prior to the referenda was seized upon by the "No" campaigners as proof of what the Agreement

meant in practice and how the victims of violence had been forgotten. Prime Minister Tony Blair intervened to assuage doubters that subsequent legislation would establish "objective and verifiable tests" as to whether those involved had given up violence before they could take their places in the Northern Ireland Assembly Executive or "political" prisoners could become eligible for accelerated release.

This changing and still volatile political milieu at the macro level, however, overshadows the existence of a public administration system characterized by serious problems of accountability. The priority status accorded to constitutional, political and security matters in Northern Ireland has allowed public policy to rest with unelected civil servants or politicians who have no electoral constituency in Northern Ireland. Essential public services such as health, education and housing operate under the aegis of appointed boards and the major repository of power is the Secretary of State for Northern Ireland, a British cabinet minister, within a system of direct rule from Westminster. One commentator described the system thus:

Apart from what are little more than parish councils, Northern Ireland's all-embracing public sector is ruled either personally by British Ministers or boards appointed by them. For 20 years no ruler of Northern Ireland has been elected by its people. In no reputable sense of the term is Northern Ireland a democracy. It is a colony. Its people react as colonial people normally react, by turning to the political extremes (Jenkins 1993, 16).

It is perhaps ironic that the Northern Ireland civil rights campaign of 1968, designed to address some of the inequities in public administration contributed, in part, to a system of direct rule which has exacerbated, in a different form, problems of local accountable governance (Buckland 1981; Whyte 1990). Throughout the period of direct rule, citizens of Northern Ireland have acquiesced in a system of public service provision euphemistically described as having a "democratic deficit" or being in a state of "permanent impermanence" (Bloomfield 1997). While the abuse of powers by erstwhile public bodies (particularly local authorities) in service delivery played a major part in the creation of the present system of administration in Northern Ireland, this has been compounded by government policies in Great Britain, adopted in the Province, which have eroded local democracy and contributed to the growth of quasi-autonomous nongovernmental organizations (quangos) and other non-elected public bodies.

Scotland and Wales can make similar "democratic deficit" claims. In the former, devolutionists and nationalists assert that Scotland has a distinctive political agenda evidenced by a major decline in support for Conservatives. This, however, is rejected by observers who note:

If there are ideological divisions within Britain, these are not between Scotland and England, but between north and south and these, in part, reflect differing experiences of the Thatcher economic experience . . . If there is a "democratic

deficit," it is a British one as much as a Scottish one, in the failure of government to reflect public aspirations (Midwinter and McVicar 1996, 17).

Welsh devolutionists point to the large number of quangos and their marked increase from 1979 onwards as evidence of a "democratic deficit." Here too these claims are rejected by regional experts who argue that during the 1980s, policies such as privatization and education reform saw the creation of new bodies "which in turn led to increased institutional differentiation between Wales, Scotland and England, the upshot of which was a more evident Welsh 'state' machinery, albeit one which did not alter radically from its English counterpart" (Thomas 1996, 23; Hogwood 1995). Northern Ireland has the strongest case for political reform based upon "democratic deficit" arguments, yet such reforms in themselves go to the heart of the national British/Irish identity question.

Set within this political context, this article examines three key areas. First, it describes the existing arrangements for governance in Northern Ireland which have led to serious problems of accountability. Second, it looks at structures established under the new Northern Ireland Assembly and the key policy issues of concern during the transition from direct rule to devolved government. Finally, it outlines an agenda for policy and administrative reform to address the worst excesses of a period of 26 years of direct rule from Westminster. Local politicians, most of whom have not held positions of executive power, are now faced with key policy decisions which transcend traditional Orange/Green political cleavages—circumstances they find both unusual and challenging. This is therefore both a retrospective and prospective analysis of governance in Northern Ireland at a turning point in its tumultuous political history.

## THE GOVERNANCE OF NORTHERN IRELAND

Before providing an overview of the public administration system, some consideration needs to be given to what exactly is meant by the term "democratic deficit," or lack of accountability, used to characterize Northern Ireland's political and administrative framework of government. Beetham suggests that "democracy belongs to the sphere of the *political*, which is the sphere of collectively binding rules and policies, and of the resolution of disagreement about what those policies should be" (Beetham 1996, 29). The extent to which a system can be judged to be democratic is based on two key democratic principles of popular control and political equality. According to Beetham, how effective that control is, and how equally distributed it is between individual citizens, and between different groups of citizens, are key criteria for assessing how democratic a system of representative government is. In these circumstances, democracy is not direct popular control over decision-making, but control over decision-makers who act on their behalf. This is particularly germane when one considers the lack of control exercised by citizens of Northern

Ireland over government ministers and civil servants. Making government more democratic, Beetham argues, requires "popular authorisation and accountability of public officials, and responsiveness and representativeness of decision-making bodies" (Beetham 1996, 31), the rationale for devolving power back to an assembly in the province.

Public services in Northern Ireland operate through a complex arrangement of central government departments, agencies, boards, trusts, non-departmental public bodies and local councils. The system is a product of the political turmoil from the late 1960s onwards and its consequences for the machinery of government. The imposition of direct rule under the Northern Ireland (Temporary Provisions) Act 1972, following the resignation of the Northern Ireland government, led the United Kingdom Government to assume full and direct responsibility for its administration under the newly created post of Secretary of State for Northern Ireland (Ditch 1977; Birrell 1978). Direct rule, despite the passage of time, remains a temporary phenomenon renewable annually by the United Kingdom Parliament. As a consequence, it has incrementally embedded a system of unaccountable public administration in Northern Ireland, conceived initially as short-term, and inextricably linked the future developments of service delivery to progress on the constitutional/security fronts. The Secretary of State, the Westminster cabinet minister responsible for Northern Ireland, has direction and control of Northern Ireland departments for which she is accountable to Parliament, and introduces Northern Ireland legislation at Westminster, generally through orders in council. Orders in council are a type of delegated legislation initiated under a procedure which allows limited parliamentary time for debate and permits no amendments. They must be accepted or rejected in their entirety (Hadfield 1990). Working through the Northern Ireland Office (NIO), the secretary of state, assisted by two ministers of state and two parliamentary undersecretaries has, therefore, overall responsibility for the government of Northern Ireland. She is directly involved with political and constitutional matters, security policy and broad economic questions. The major functional areas of government, law and order, economic development, education, health and social services and the environment are shared among the other ministers, none of whom has electoral accountability to the citizens of Northern Ireland.

### **Central Government**

Six central government departments and the Northern Ireland Office carry out the bulk of administrative services.<sup>1</sup> In 1998–9 they will be responsible for £8.5bn of public expenditure but their accountability through political channels is, at best, tenuous and, at worst, scant in the extreme. Although the "normal" mechanisms are in place whereby officials report to ministers and, as accounting officers, can face the wrath of Parliamentary Select and Public Accounts Committees, these have proved

limited in practice. Ministers have been too preoccupied with constitutional and security matters to become involved in day-to-day oversight of their departments and the appearance of civil servants at Westminster parliamentary committees is infrequent. Even a series of recent high profile cases (e.g. sale of the Belfast International Airport, Belfast Action Teams, Castle Court shopping complex, Positively Belfast) which drew scathing comments from the Public Accounts Committee on the probity of public expenditure failed to do more than embarrass those civil servants directly involved. Rather than confirming the means of calling civil servants to account, it has highlighted the nature of unaccountable government in Northern Ireland. The proliferation of agencies is another sub-unit of central government which gives rise to similar criticisms.

### Agencies

Northern Ireland has, to a large extent, followed step-by-step the transformation towards new public management evident within the civil service in Great Britain (Stewart and Walsh 1992). This has served only to accentuate the worst features of the "democratic deficit." The most obvious manifestation of the reforms in which to use the popularism, government was "reinvented," (Osborne and Gaebler 1992) is the separation of the purchaser/provider role and the growth of contractual arrangements. The creation of "Next Steps" agencies is an example here, whereby functions are hived off to semi-autonomous units in government. The minister determines the policy and financial framework within which the agency operates, under the direction of a chief executive, but does not normally become involved in its day-to-day management. The framework document constitutes a contract for performance by agencies and establishes a principal-agent relationship with the minister. There are now 24 agencies operating in the Northern Ireland Civil Service accounting for 19,000 civil servants, some 65% of the staff of central government departments and the Northern Ireland Office. The Social Security Agency is a typical example and the largest in Northern Ireland (employing around 4,200 staff). The agency is subject to the overall direction and control of the Secretary of State and the minister responsible, to whom oversight of social services as a function is delegated. Members of Parliament and the general public are encouraged by the minister to deal directly with the chief executive or appropriate agency manager on matters and, if they remain dissatisfied with a reply, they may raise the issue with the minister. It is for the minister to decide who should represent him/her at Parliamentary Select Committees when the affairs of the agency are being discussed—in practice, this is normally the chief executive (Department of Health and Social Services (NI) 1991).

Like government agencies throughout the United Kingdom, however, important questions have been raised over the respective roles of ministers and chief executives, creating opportunities to scapegoat



responsibility for policy failures and abdicate control of the agencies. This has been described as the "bureaucratic Bermuda Triangle" in which accountability disappears (Treasury and Civil Service Committee 1994, para. 166, quoted in Butcher 1995). The best known example in Great Britain occurred in October 1995 when the Director General of the Prison Service (Derek Lewis) was dismissed by the Home Secretary. A damning report (Learmont) on the management of prisons, following the escape of three dangerous prisoners from Parkhurst jail, led the minister to call for the director's resignation. The director refused on the grounds that there had been policy u-turns and ministerial interference in the day-to-day running of the service. As one commentator noted:

This distinction between policy and operations sounds neat but is unconvincing. Executive agencies were supposed to produce clearer more open lines of responsibility, but it is impossible to separate the policy decisions of ministers from the operational decisions of chief executives. . . . Chief Executives can be sure that their ministerial masters will ultimately be willing to sacrifice them in the overriding cause of political self-preservation (Riddell 1995, 6).

Adopting a British model of public administration, with its inherent problems of accountability in the Northern Ireland context, therefore exacerbates problems associated with the "democratic deficit."

### **Boards and Trusts**

A sub-strata of boards and trusts operate under the aegis of central government departments. The creation of internal market arrangements which separate the assessment of need and purchasing of services from their delivery has spawned additional bureaucracies. The provision of health care, which accounts for 20% of public expenditure in the Province, is typical. Four health and social services boards, as agents of the Department of Health and Social Services, commission and purchase health and social care for their resident populations from a range of providers—health and social services trusts, voluntary and private sectors. General practitioners' (GPs) practices can also opt to be fundholder units with their own budgets to purchase a defined range of hospital and community services from providers. A total of 20 health and social services trusts have been established since the internal market came into operation in April 1992.

Two key problems of accountability arise from this system of service delivery in Northern Ireland. First, in the reorganization of the four health and social services boards, local elected councillor representation disappeared and 16 district health and social services committees, representative of public and consumer interests, were replaced by an advisory structure of four area health and social services councils, bodies with a consultative role and limited clout. All non-executive board appointments, their chairmen and members of advisory councils are by government appointment, or in the gift of the minister. The second problem of accountability arises



from appointments to the health and social services trusts. Here too, the chairmen and members are government appointees, although the system provides the somewhat dubious concession that any member of the public can make their interest known to the DHSS or health trust to be considered for appointment. The official position is that all appointments are made on the basis of merit and there are no formal criteria for appointment. In practice, however, research on the appointment system to boards in Northern Ireland has concluded that there are:

no stringent guidelines concerning who can be appointed and how they must be approached. There are no stipulated criteria for selection and no formal interviewing process. Ministers and senior civil servants therefore have considerable freedom in the selection process. . . . An examination of the membership lists of public bodies highlights the fact that each department in the civil service has its own "players" and these people are consistently reappointed to sit on public bodies (Gray and Heenan 1995, 66–67).

The Labour Government has made a commitment to abolish the internal market for health and social services, including the GP fundholding scheme, and to replace it with new arrangements for commissioning and delivery of health and social services.

### Quangos

Aside from the central machinery of government, and to add to its administrative mosaic, Northern Ireland has its share of quangos or quasi-autonomous non-governmental organizations. Quangos cover a variety of bodies (usually referred to as Non-Departmental Public Bodies—NDPBs), exercising executive, advisory and tribunal functions. In Northern Ireland this includes bodies as diverse as the police authority for Northern Ireland, education and library boards, health and social services boards, the local enterprise development unit, the Northern Ireland housing executive, the Labour relations agency and the transport holding company. Some of the larger executive quangos undertake functions performed by local authorities in Great Britain. The proper and effective operation of quangos is all the more important because of the absence, up until now, of a tier of regional government in Northern Ireland. Government data for 1997–8 show that there are 44 executive non-departmental public bodies and 32 national health service bodies in Northern Ireland with an expenditure of £4,707m (over 50% of the total public sector purse) (Department of Finance and Personnel and HM Treasury 1998). The cabinet office publication "Public Bodies" lists a total of 148 bodies (executive, advisory NDPBs and tribunals) operating in Northern Ireland, accounting for more than 2,000 public appointments.

Quangos are not a Northern Ireland-specific phenomenon and their increase UK-wide has been the subject of a comprehensive review (Democratic Audit 1994) which exposed the extent of their growth and criticized their lack of accountability.

In area after area of public life, elected government is being replaced by appointive government. Those who are elected count for ever less; those who are appointed count for ever more. This hastily erected apparatus of appointive government lacks the essential democratic underpinnings of scrutiny, openness and accountability, but is now responsible for nearly a third of central government spending (Weir 1995, 320–321).

Northern Ireland, however, is the worst case scenario in which quangos continue to evolve on the back of an administrative system dogged by problems of electoral accountability. Research carried out by the Northern Ireland Council for Voluntary Action (NICVA) on quangos which relate to community and voluntary groups, revealed a stark absence of mechanisms for access or accountability. NICVA concluded that in Northern Ireland, where traditional accountability for service provision was largely absent, “this context could be seen by quangocrats as a challenge to devise new processes” . . . instead it “has offered an excuse, at best, for avoiding the issue of accountability” (Bradley 1994, 26). Until then, the growth of quangos had received little attention. The editor of a local newspaper (*Ulster Newsletter*) described their lack of scrutiny as a result of the press preoccupation with coverage of “the troubles:”

The Direct Rule government of Northern Ireland involves unelected quangos running everything from health to education and the police. They are not used to a probing press. There will be a lot of squealing pigs as vested interests are investigated. While everyone has been talking about turning swords into ploughshares, we in the press need to be turning ploughshares into swords (Halon 1995, 23).

Concerns have been expressed about both the operation of quangos and the appointments process. These concerns tend to focus on the overall number of quangos, the scope for improvements in their efficiency and financial management and whether their functions are necessary, or could be performed differently; but there are also concerns about the procedures by which members are appointed to quango boards. In short, the concentration has been on how quangos function on a day-to-day basis and how they could be made more open and accountable. In November 1997 the Labour Government issued a Consultation Paper *Opening Up Quangos* as a UK-wide document for public discussion, but its salience in Northern Ireland was paramount given the problems of accountability and loss of democratic control associated with Direct Rule. Suggestions for improvement arising from the consultation (*Quangos: Opening the Doors*—June 1998) include encouraging non-departmental public bodies to offer greater access to information by publishing annual reports, publicizing reports of meetings and, where possible, making meetings more accessible to the public. The scope of registers of members’ interest is being extended, as are codes of ethics for staff and members. Other measures include expanding the proposed Freedom of Information Act to include NDPBs and a wider remit for the Commissioner for Public Appointments.

## Local Government

Local government in Northern Ireland has perhaps been the greatest casualty of direct rule arrangements. Councils' record of discrimination in appointments, gerrymandering and unfair methods of housing allocation played a large part in the civil strife of the late 1960s (Darby 1976; Whyte 1983). This culminated in a reform process dictated by Westminster (the Macrory Report) which created a single tier of 26 district councils to discharge largely prosaic functions.

Since its reform in 1973 local government plays a minor role in public service provision. The 26 single-tier authorities are limited chiefly to the delivery of minor regulatory services. Local councils have three main roles: an *executive* role in which they provide certain regulatory services (e.g. building regulations, environmental health, licensing of dance halls, cinemas) and the provision of a limited range of functions such as street cleaning, refuse collection, cemeteries and crematoria, recreation and tourist amenities and economic development; a *representative* role where members are nominated to serve on area boards (e.g., education and library boards); and a *consultative* role where councils' views are sought on centrally provided services such as planning, roads, water and housing. These seemingly innocuous roles have attracted a degree of criticism. The absence of major functional responsibilities, combined with no regional tier of government, turned council chambers into a forum for occasional vitriolic and sectarian debate on constitutional and security issues well beyond their remit. By the same token, there is some doubt about the caliber of councillor attracted to a relatively powerless body. From the councils' perspective, there is growing unease that their representative role is being eroded (e.g., removal of councillors from health boards) under restructuring of central services. An ongoing problem is that government departments and agencies, responsible for providing central services in council areas, treat consultation as a token gesture at best, or a derisory intervention by councillors with narrow parochial interests, at worst.

This emasculated form of local government is illustrated by considering its location within the overall public administration system of Northern Ireland. Estimated net spending by councils in 1997–8, for example, amounted to £230m out of a Northern Ireland public expenditure budget of £8.5 billion, approximately 2.7% (Department of the Environment 1998). Yet local authorities are important for other reasons. First, whatever emerges from the fledgling assembly, a future restructuring of the various tiers of government is inevitable and will involve a reassessment of the role of councils. Second, in the long absence of any devolved government arrangements (and until the new assembly takes root), councillors continue to be the most accessible source for constituents with concerns about centrally provided services (housing, planning and social security in particular). Third, councils employ about 9,000 people in a region noted for its high level of unemployment.

Local authorities have witnessed both a period of political turmoil and, more recently, cross-community accommodation. In 1985 the election of Sinn Féin members to council chambers caused outrage amongst the Unionist parties and led directly to a policy of obstruction—isolating their councillors by excluding them from speaking (Connolly and Knox 1986). These tactics were legally challenged and found to be unlawful by the High Court. The Anglo-Irish Agreement of November 1985 ushered in a new wave of protest fought at the local government level. Unionist-controlled councils adopted a policy of adjourning councils meetings and refusing to strike rates. They argued that to administer local government was to give tacit support to the London–Dublin partnership (Connolly and Knox 1988). Government eventually had to step in with commissioners to maintain essential services. The protest campaign withered away to an inauspicious end. The local government elections of 1989 marked a turning point in council chambers with a degree of moderation not unrelated to a decline in representation from the political extremes. From this more stable political context an experiment in “responsibility sharing” developed (this term evolved in deference to Unionist sensitivities over the words “power sharing”). Eleven local authorities appointed mayors/chairs and deputies from both political traditions. This trend has continued and following the 1997 local government elections, Belfast’s first nationalist Lord Mayor was appointed in its 150-year history.

### **Partnerships**

Local authorities have become pivotal brokers in partnership arrangements designed to deliver European funded service programs. In 1995, the European Union (EU) launched the Special Support Program for Peace and Reconciliation, a 300 MECU (£215m) package designed to reinforce progress towards a peaceful and stable society following the cease-fires. District partnerships, representing each council area, and comprising equal numbers from local councillors, community/voluntary representatives, and business/trade-union/statutory sectors, approve action plans for local activities to advance the objectives of the program. The process aims to achieve peace and reconciliation by broadening participation through socially inclusive programs in employment, productive investment and urban/rural regeneration. The district partnership concept is analogous to a “greenfield site” offering a new development in widening the basis of participation in decision-making throughout the 26 district council areas. Partnerships are “uncontaminated” by past associations with any national government, or with any particular tradition within the Province, all of which undoubtedly accounted for the enthusiastic reception they have generated across the political spectrum.

After some initial problems associated in particular with fears around usurping the role of elected bodies and representatives, local authorities have demonstrated a readiness to both enter partnerships and make them

succeed. The ideological baggage which participants brought to the process was left outside meetings. In part, too, however, the willingness to entertain "responsibility sharing" has extended to a predisposition to involve as many in the community as possible in decision-making. This has had the effect of not only including socially excluded groups but also those (in business and professional occupations, and in charitable and voluntary organizations) detached from local politics, disillusioned and repelled by ugly scenes of sectarianism in a small number of councils, as well as the apparent futility of debate in fora which are perceived as essentially redundant. Clearly, although their budgets and influence are marginal to the totality of public expenditure (£40m over 3 years set against £8.5bn annually), district partnerships meet the requirements for agreement, consent and acceptance by both communities. In that sense, the level of spending is almost incidental—what is important is the process of changing attitudes, creating social inclusion and capacity building. Partnerships have therefore harnessed the emerging goodwill in local authorities, mobilized an apathetic business sector into taking ownership of social goals and energized the voluntary sector which has played a vital role in community development throughout the "troubles."

This overview of the public administration system in Northern Ireland would suggest that the political problems which led to direct rule from Westminster have implanted an unaccountable framework within which major public services are delivered. Set alongside this, the UK government's program of public service reform which included privatization, competitive tendering, agentization and the creation of internal markets, has compounded the "democratic deficit" and conspired to produce a system of public administration in Northern Ireland which has simply adopted major reform initiatives without reference to the political context. The result of both these factors is complacency and inertia among senior civil servants under direct rule arrangements. We now consider the structure established under the new Northern Ireland Assembly and the policy issues of major concern confronting local politicians.

#### THE NEW NORTHERN IRELAND ASSEMBLY

The new 108-member Assembly was elected by PR (STV) on 25 June 1998 under the terms of the Good Friday Agreement to "exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government departments, with the possibility of taking on responsibility for other matters" (Strand 1—The Agreement: para 3:5).<sup>2</sup> Executive authority will be discharged on behalf of the Assembly by a First Minister (David Trimble, UUP) and Deputy First Minister (Seamus Mallon, SDLP) and up to 10 ministers (shared on a proportional basis) with departmental responsibilities. The Assembly will operate in "shadow form" until the main implementing legislation has been enacted and brought into effect. When this occurs

direct rule will end. The Secretary of State, Dr. Mowlam, described this as a new era in Northern Ireland politics:

Northern Ireland has shown that it wants this Agreement to work and has elected representatives who are committed to making it work starting with the Assembly. Those representatives now look towards taking control of the reins of government in Northern Ireland. A whole generation of politicians has missed out on a chance to exercise real power (Northern Ireland Information Service: 27 June 1998).

Aside from the Assembly and Executive, the new institutions of government include:

- a north-south ministerial council bringing together those with executive authority, north and south, to work together by agreement on matters of mutual interest. Those participating on the council will be mandated by, and remain accountable to, the Assembly and the Irish Parliament. At least six "implementation bodies" will be identified to put decisions by the council into effect on a cross-border or all-island basis in specified areas (e.g. agriculture, tourism, waterways, environment);
- a British-Irish council to bring together British and Irish government representatives of devolved administration in Northern Ireland, Scotland and Wales and from the Channel Islands and the Isle of Man. The Council aims to "promote the harmonious and mutually beneficial development of the totality of relationships amongst the people of these islands" (Strand 3: The Agreement para 1:14);
- a new British-Irish intergovernmental conference to deal with all bilateral issues between the two governments, involving the Secretary of State and relevant executive members of the Northern Ireland Administration, to discuss non-devolved issues which arise in relation to Northern Ireland;
- an independent consultative forum, appointed by the two administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

Set alongside the new governance structure a series of politically sensitive policy issues are being pursued under the terms of the Agreement to create a "normal and peaceful society in Northern Ireland" (Secretary of State's statement to the House of Commons: 20 April 1998).

The most important are:

*Prisoners*

An accelerated program for the release of prisoners will be implemented through a new Sentence Review Body which will consider on a case-by-case basis, their eligibility. Those prisoners who belong to organizations which have not declared and are not maintaining unequivocal cease-fires will not be



considered for release. Prisoners who qualify will be released on license and returned to prison if they engage in any further terrorist activity. As a political counterbalance, a Victims' Commission reported ("We Will Remember Them:" Sir Ken Bloomfield Report April 1998) on ways to "recognise the pain and suffering felt by victims of violence arising from the troubles of the last 30 years, including those who have died or been injured in the service of the community" (p 6).

#### *Decommissioning*

Both the British and Irish governments have taken steps to facilitate the decommissioning process through a decommissioning scheme in Northern Ireland and regulations in the Republic. Participants in the agreement committed themselves to a total disarmament of all paramilitary organizations by working with the independent international body on decommissioning. The objective is to achieve either the provision of information to the commission leading to the collection and destruction of arms and/or the destruction of arms by persons in possession of them by May 2000.

#### *Policing and Criminal Justice*

Parallel reviews of the policing service and criminal justice systems have been established. The former is an independent commission (chaired by Chris Patten, ex-governor of Hong Kong and minister in Northern Ireland) set up to consider what kind of policing service would be appropriate in Northern Ireland devoid of terrorist violence. The latter is a government-led review, with external assessors, which will address the structure, management and resourcing of the criminal justice system to include appointments to the judiciary, the prosecution service and the possibility of a separate department of justice.

#### *Human Rights and Equality*

A new independent Human Rights Commission is envisaged to consult and advise on the scope for defining rights supplementary to those in the European Convention on Human Rights which the British government is in the process of incorporating into United Kingdom law. There will also be a statutory requirement on the public sector to promote equality of opportunity and the creation of a unified equality commission embracing existing statutory bodies (fair employment commission; the equal opportunities commission; the commission for racial equality; the disability council).

### THE FUTURE: AN AGENDA FOR ADMINISTRATIVE REFORM

A number of issues arise from this overview of direct rule arrangements and the transitional phase to devolved government. First, the current system of public administration in Northern Ireland is patently unsatisfactory. Direct rule from Westminster since 1972 has become an excuse for administrative intransigence. The assumption that no changes can be made to public service delivery in the absence of progress on the constitutional front has created and embedded a plethora of boards, trusts, quangos and civil service departments characterized by administrative indifference. The key power brokers are senior civil servants whose departmental responsibilities go largely unchecked by Westminster politicians consumed by political/constitutional and security matters. Second, the Good Friday agreement seeks to address the excesses of direct rule by vesting greater democratic accountability in a devolved



government. In implementing the agreement the British government is tackling the most contentious policy issues central to an enduring political settlement (political prisoners, arms decommissioning, policing and criminal justice). Third, cognizant of the potential for the abuse of power and mindful of the bitter legacy of discrimination and sectarianism, safeguards will be included (e.g. decision-taking on the basis of "sufficient consensus") or strengthened through a human rights commission and effective equality legislation.

While laudable in themselves and not to undervalue the significance of achievements made thus far, this is only the beginning of a much more fundamental root and branch review needed of governance arrangements in Northern Ireland. A serious cultural adjustment will be necessary for politicians and officials alike. It has been too easy for politicians to indulge in Northern Ireland office-bashing in the guise of the secretary of state. Devolved government will mean "power with responsibility" and some difficult decisions await incoming Assembly ministers (particularly in the areas of budget restrictions in health and education). Similarly, senior civil servants, weaned on a diet which granted autocratic status, must come to terms with local accountability, in some cases to political masters whose political views they find anathema. As one former senior official described it:

Those civil servants faced with a genuine crisis of conscience at being asked to work for an Assembly member with, perhaps, a terrorist background may have to find their own way of declining (Andy Woods: "Aunt Sally shies away from it all" *Sunday Times*, 28 June 1998:20).

Alongside this cultural shift in the political/administrative axis, the Assembly will need to give serious consideration to the following:

- There is a real need to assess the role of local authorities, the only enduring democratic forum throughout the period of direct rule, yet limited in their functional responsibilities. This will necessarily include a review of the plethora of government agencies, boards and trusts who provide services undertaken by local government in Great Britain. Moreover, central—local government relations have, not surprisingly, plummeted over time as a direct result of arrogant civil servants (planners in particular) ignoring local council input to the decision-making process.
- A major overhaul of the burgeoning quango state is imperative. It is unacceptable under devolved arrangements to have 50% of public expenditure controlled by non-departmental public bodies in the charge of appointees. While the rationale for establishing such bodies was often to remove their functions from government (fair employment, housing, police) for express political reasons, current devolved government (with safeguards) should obviate the need for a large number of quangos.

- Investment in the partnership model. One of the success stories, as a by-product of attempts to achieve peace and reconciliation under the European Special Support Programme is the acknowledged value of the social partnership model of service provision. The Secretary of State in a speech to the European Parliament (29 April 1998) expressing gratitude for its help towards the achievement of the Good Friday Agreement, singled out district partnerships as "a fresh approach to funding projects, bringing together people from all walks of life (elected councillors, the voluntary and community sector, statutory agencies, business and trade unions) with outstanding benefits above and beyond the impact of the projects themselves." While some expression for this model has been given in the proposed civic or consultative forum to be set up under the terms of the agreement, there needs to be a wholesale endorsement of the principle of social partnership in Northern Ireland. This, in effect, would not only provide a more pluralistic form of policymaking but act as an additional safeguard on politicians reverting to sectarian-type.
- Collaboration with the voluntary/community sector. Throughout the period of direct rule government and in the absence of a stable society, the voluntary/community sector filled the vacuum through capacity-building, community engagement and service delivery. In 1975 some 500 community groups and associations were in existence (Birrell and Murie 1980) while more recently the Northern Council for Voluntary Action has estimated the current combined total of voluntary organizations, community groups and charitable bodies at 5,500. Their interests are wide-ranging and embrace planning, advocacy, service delivery and job creation in a manner which is complementary to the work of public bodies and the private sector. This enduring commitment to the principles of community development established the sector as a pivotal player in building a better future which is targeted at promoting economic development, social inclusion and reconciliation. The new devolved government should capitalize on the obvious strengths contained within the voluntary/community sector.

Northern Ireland is at the crossroads of a major political and administrative reform program. It now has the foundations for a long-term constitutional settlement, although still fragile and subject to events which could jeopardize its survival (marches, dissident terrorist groups, punishment beatings and shootings). The new Assembly has the opportunity to overhaul an inappropriate system of governance characterized by a high level of centralization and low level of accountability. Changes to the public administration system in parallel with new constitutional arrangements now present local politicians with the opportunity to stabilize a society riven with violence for 30 years.

## Notes

1. The six central government departments are: agriculture, economic development, environment, education, health and social services, finance and personnel. The Northern Ireland Office has responsibility for political and constitutional issues, security policy, prisons, criminal justice and police matters.
2. The Assembly elections results were as follows:  
Seats: UUP = 28; SDLP = 24; DUP = 20; Sinn Féin = 18; Alliance = 6; UKU = 5; PUP = 2; Others = 6.  
Percentage first preference vote: UUP = 21.26; SDLP = 21.96; DUP 18.13; Sinn Féin = 17.63; Alliance = 6.5; UKU = 4.51; PUP = 2.55; Others = 7.46.

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